

**Presentment Date and Time: September 8, 2014 at 12:00 p.m. (ET)**  
**Objection Deadline: September 5, 2014 at 4:00 p.m. (ET)**

MORRISON & FOERSTER LLP  
1290 Avenue of the Americas  
New York, New York 10104  
Telephone: (212) 468-8000  
Facsimile: (212) 468-7900  
Norman S. Rosenbaum  
Erica J. Richards  
James A. Newton

*Counsel for The Debtors and  
The ResCap Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

RESIDENTIAL CAPITAL, LLC, et al.,

Debtors.  
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Case No. 12-12020 (MG)

Chapter 11

Jointly Administered

**NOTICE OF PRESENTMENT OF STIPULATION AND ORDER PURSUANT TO  
11 U.S.C. § 362(d) MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

**PLEASE TAKE NOTICE** that the undersigned will present the attached proposed  
*Stipulation and Order Pursuant to 11 U.S.C. § 362(d) Modifying the Automatic Stay Imposed by  
11 U.S.C. § 362(a)* (the “**Stipulation and Order**”), to the Honorable Martin Glenn, United  
States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New  
York (the “**Bankruptcy Court**”), Alexander Hamilton Custom House, One Bowling Green,  
New York, New York 10004, Room 501, for signature on **September 8, 2014 at 12:00 p.m.**  
**(Prevailing Eastern Time).**

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the Stipulation and  
Order must be made in writing, conform to the Federal Rules of Bankruptcy Procedure, the

Local Bankruptcy Rules for the Southern District of New York, and the Notice, Case Management, and Administrative Procedures approved by the Bankruptcy Court [Docket No. 141], be filed electronically by registered users of the Bankruptcy Court's electronic case filing system, and be served, so as to be received no later than **September 5, 2014 at 4:00 p.m. (Prevailing Eastern Time)**, upon (a) the Chambers of the Honorable Martin Glenn, United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, NY 10004-1408; (b) co-counsel to the ResCap Liquidating Trust, Morrison & Foerster LLP, 250 West 55th Street, New York, NY 10019 (Attention: Norman S. Rosenbaum, Jordan A. Wishnew, Erica J. Richards, and James A. Newton); (c) co-counsel to the ResCap Liquidating Trust, Kramer Levin Naftalis & Frankel, LLP, 1177 Avenue of the Americas, New York, NY 10036 (Attention: Kenneth H. Eckstein, Douglas H. Mannal, and Joseph A. Shifer); (d) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014 (Attention: Linda A. Riffkin and Brian S. Masumoto); (e) The ResCap Liquidating Trust, Quest Turnaround Advisors, 800 Westchester Avenue, Suite S-520, Rye Brook, NY 10573 (Attention: Jeffrey Brodsky); and (f) counsel for the Requesting Parties, Shapiro, Dicaro & Barak, LLC, 105 Maxess Road, Suite N109, Melville, NY 11747 (Attn: Shari S. Barak).

**PLEASE TAKE FURTHER NOTICE** that, if no objections to the Stipulation and Order are timely filed, served and received in accordance with this Notice, the Court may enter the Stipulation and Order without further notice or hearing.

Dated: August 29, 2014  
New York, New York

Respectfully submitted,

/s/ Norman S. Rosenbaum  
Norman S. Rosenbaum  
Erica J. Richards  
James A. Newton  
MORRISON & FOERSTER LLP  
1290 Avenue of the Americas  
New York, New York 10104  
Telephone: (212) 468-8000  
Facsimile: (212) 468-7900

*Counsel for The Debtors and  
The ResCap Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
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**STIPULATION AND ORDER PURSUANT TO 11 U.S.C. § 362(d)  
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

**WHEREAS** each of the parties listed on **Exhibit 1** hereto (each a “**Requesting Party**” and collectively, the “**Requesting Parties**”) asserts that it holds a senior mortgage or security interest in the respective properties set forth on **Exhibit 1** hereto (each, a “**Mortgaged Property**” and collectively the “**Mortgaged Properties**”);

**WHEREAS** undersigned counsel represents each of the Requesting Parties;

**WHEREAS** the Requesting Parties have obtained foreclosure or other title searches in connection with the pending or prospective foreclosure of each of the respective Mortgaged Properties which indicates that one of the above-captioned debtors (the “**Debtors**”) may hold a lien on the Mortgaged Property;

**WHEREAS** the Requesting Parties have requested (each a “**Request**,” and collectively, the “**Requests**”) that the Debtors consent to relief from the automatic stay, pursuant to section 362(d) of title 11 of the United States Code (the “**Bankruptcy Code**”), in order to permit the Requesting Parties to commence and/or complete the foreclosure of their respective interests in the Mortgaged Properties;

**WHEREAS** the Debtors and the ResCap Liquidating Trust, following a review of their records, have determined that to the best of their knowledge they never did, or no longer, hold an interest in the

Mortgaged Properties, although, in some instances, an assignment of the Debtors' mortgage has not yet been filed;

**WHEREAS** the Debtors and the ResCap Liquidating Trust have agreed to consent to the Requests on the terms and conditions contained in this Stipulation and Order to permit the Requesting Parties to proceed with foreclosures without violating the automatic stay;

**WHEREAS** this Stipulation and Order is not being submitted under the Procedures approved by the Bankruptcy Court in the *Order Pursuant to Bankruptcy Code Sections 105(a) and 362(d) for Entry of an Order Approving Procedures by Which Third Parties May Request and Obtain Stipulated Relief from the Automatic Stay to Commence or Continue Actions to Foreclose Senior Liens* [Docket No. 1824] due to the omnibus nature of the relief agreed upon;

**NOW, THEREFORE**, it is hereby stipulated and agreed as between the Debtors and each Requesting Party, each solely in respect of the Mortgaged Properties for which such Requesting Party seeks relief from the automatic stay, through their undersigned counsel; and after due deliberation and sufficient cause appearing, it is hereby

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Requests are granted as set forth herein.
2. To the extent applicable, the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code is modified under section 362(d) of the Bankruptcy Code to the extent necessary to allow each of the Requesting Parties to commence and/or complete the foreclosure of the mortgage and security interest it holds on the respective Mortgaged Property, as specified on **Exhibit 1** hereto.
3. By entering into this Stipulation and Order, (i) counsel for the Requesting Party hereby represents that it is authorized to execute this Stipulation and Order on behalf of each of the

Requesting Parties and (ii) each Requesting Party hereby represents, with respect to each Mortgage Property for which it acts as the Requesting Party, that it is authorized to seek relief from the automatic stay and execute this Stipulation and Order on behalf of the respective lienholder, as identified on **Exhibit 1** hereto.

4. Nothing in this Stipulation and Order shall be deemed to affect in any way the rights of any entity, including the Debtors or The ResCap Liquidating Trust, to contest in any foreclosure proceeding the validity or relative priority of the applicable Requesting Party's mortgage and security interest in the respective Mortgaged Property relative to any other lien on such Mortgaged Property.

5. Nothing in this Stipulation and Order shall be construed to provide for the annulment of or any other retroactive relief from the automatic stay.

6. Each Requesting Party shall provide due notice to all parties required by applicable law to receive notice, as well as to the Debtors and The ResCap Liquidating Trust<sup>1</sup>, Ocwen Loan Servicing, LLC<sup>2</sup>, and Green Tree Servicing LLC<sup>3</sup>, in connection with any action to be taken with respect to the respective Mortgaged Property, including, but not limited to, proceeding with a sale of such Mortgaged Property, in accordance with and to the extent the Requesting Party would be required by applicable state law to provide notice to the holder of any lien on such Mortgaged Property.

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<sup>1</sup> Notices should be served on the Debtors and The ResCap Liquidating Trust, at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808 and 8400 Normandale Lake Boulevard, Bloomington, MN 55437.

<sup>2</sup> Notices should be served on Ocwen Loan Servicing, LLC, at 1100 Virginia Drive, Fort Washington, PA 19034 (Attn: Peter J. Mulcahy, Esq.).

<sup>3</sup> Notices should be served on Green Tree Servicing LLC via email at: [Foreclosure\\_Team@gt-cs.com](mailto:Foreclosure_Team@gt-cs.com) or via mail addressed to: Green Tree Servicing LLC, Mailstop: R214, 1400 Turbine Drive, Rapid City, SD 57703.

7. A Requesting Party and the Debtors may agree, in a signed writing, to a modification of this Stipulation and Order solely with respect to the application of this Stipulation and Order to such Requesting Party, and such signed writing shall not be deemed to affect in any manner the application of this Stipulation and Order to any other Requesting Party, provided, however, that except as specifically set forth in this paragraph, this Stipulation and Order may not be modified other than by further order of the Court.

8. This Stipulation and Order may be executed in multiple counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

9. Pursuant to Bankruptcy Rule 4001(a)(3), the 14-day stay of this Stipulation and Order imposed by such Bankruptcy Rule is waived. Each Requesting Party is authorized to implement the provisions of this Stipulation and Order immediately upon its entry.

10. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Stipulation and Order.

<p>THE RESCAP LIQUIDATING TRUST</p> <p>By: <u>/s/ Norman S. Rosenbaum</u> Norman S. Rosenbaum Erica J. Richards James A. Newton <b>MORRISON &amp; FOERSTER LLP</b> 250 West 55th Street New York, New York 10019 Telephone: (212) 468-8000 Facsimile: (212) 468-7900</p> <p><i>Counsel for the Debtors and The ResCap Liquidating Trust</i></p>	<p>EACH OF THE REQUESTING PARTIES SET FORTH ON <b><u>EXHIBIT 1</u></b>, HERETO, EACH SOLELY IN RESPECT OF THE MORTGAGED PROPERTY FOR WHICH IT SEEKS RELIEF FROM THE AUTOMATIC STAY</p> <p>By: <u>/s/ Shari S. Barak</u> Shari S. Barak <b>SHAPIRO, DICARO &amp; BARAK, LLC</b> 105 Maxess Road, Suite N109 Melville, New York 11747 Telephone: (631) 844-9611 Facsimile: (631) 844-9525</p> <p><i>Counsel for the Requesting Parties</i></p>
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APPROVED AND SO ORDERED

This \_\_\_\_ day of September, 2014, in New York, NY

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**HONORABLE MARTIN GLENN**  
**UNITED STATES BANKRUPTCY JUDGE**



**EXHIBIT 1**

	<b>REQUESTING PARTY</b>	<b>LIENHOLDER</b>	<b>BORROWER NAME(S)</b>	<b>ADDRESS</b>
1	PHH MORTGAGE CORPORATION	U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR-IN-INTEREST TO WACHOVIA BANK, N.A., AS TRUSTEE FOR MLMI 2005-A8	LANDO, SCOTT & MELISSA	709 SETTLEMENT STREET, CEDAR PARK, TEXAS 78613
2	WELLS FARGO	WELLS FARGO	RANEY, CYNTHIA D.	709 CRESTVIEW DRIVE, ROCKWOOD TN 37854
3	REGIONS MORTGAGE	REGIONS BANK DBA REGIONS MORTGAGE	MCLAUGHLIN, PATRICK	2606 WEST PRIMROSE LANE, SPRINGFIELD, MO, 65807

NY-1151331